

REMARKS

Claims 8-27 are pending. Claims 8, 16, 18, and 23 have been amended. No new matter has been added.

Claims 8-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,674,044 (“Kalmus”) in view of Schildt, Herbert, Turbo C/C++: The Complete Reference, Osborne McGraw-Hill, Berkeley, CA, 1990, pp. 13, 561, and 727-730 (“Schildt”) and Coughlin, George Gordon, *Your Handbook of Everyday Law*, 5th Ed., Harper Collins Publishing, New York, NY, 1993, pp. 50-51 (“Coughlin”).

Rejection of claims 8-27 under 35 USC § 103(a)

Claims 8-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalmus in view of Schildt and Coughlin. This rejection is respectfully traversed.

The Examiner recognizes that Kalmus does not teach that a “processor is configured to dynamically create sets of class components to handle one or more transactions with each set of class components.” Final Office Action of 12/19/05, at 4. The Examiner explains:

Furthermore, an object-based programming language and a class-based programming language, which were both known at the time of the invention, would have been obvious choices by which to interpret Kalmus due to the numerous benefits of such programming languages -- easy programming maintenance, easy to understand and streamlined structure, as evidenced by Schildt who states, “Object-oriented programming allows you to easily decompose a problem into subgroups of related parts. Then you translate these subgroups into self-contained units called objects” (see page 729) and “Also, because C++ shares C’s efficiency, high-performance systems software can be constructed using C++.” (see page 728).

Id. at 5. As recited in the Background of the Invention,

While a single class can operate on multiple objects of that class, a bottleneck occurs if too many objects are in need of class resources at one time. More specifically, in this conventional system, each trader in the exchange is given his/her own object of the class. If there are thousands of traders trying to execute trades simultaneously, the computer will continuously access the class definitions and functions to execute those trades. If there are more objects accessing class resources than the system can process at one time, the computer will begin to generate error messages and prevent certain trades from being executed. In a very bad scenario, the computer may shut down from this overload.

Page 5, lines 4-16. Accordingly, the solution offered by the Examiner and as taught by the

references -- creating an object for each subgroup -- can lead to disastrous results. Indeed, the cited art does not suggest solution for overcoming the problem identified by the pending application. Under *KSR* or even the teaching-suggestion-motivation test, the cited references do not, alone or in combination, disclose how to overcome the identified problem.

In contrast, one embodiment of the pending application dynamically creates multiple classes proportional to the number of clients attempting to execute securities transactions at that time. *See* Page 5, lines 19-23. Each class has the capability to process a plurality of objects at a single time. Page 5, line 23 - page 6, line 1. As a result, claims 8, 18, and 23 have been amended to clarify that “each set of class components is dynamically created for each customer attempting to execute a transaction.” Claim 16 has been amended to recite, “dynamically creating a set of class components to handle one or more transactions involving a trade request for a customer.” In contrast, the Examiner’s explanation of the cited art suggests only that a class can be created for each transaction, not for each customer.

Therefore, Kalmus, Schildt, and Coughlin fail to teach each and every element of independent claims 8, 16, 18, and 23. Because claims 9-15, 17, 19-22, and 24-27 depend on claims 8, 16, 18, and 23 and incorporate the limitations therefrom, claims 9-15, 17, 19-22, and 24-27 are also allowable in view of Kalmus, Schildt, and Coughlin. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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